



## MEMORANDUM

**TO:** District of Columbia Board of Zoning Adjustment

**FROM:** Karen Thomas, Case Manager  
Joel Lawson, Associate Director Development Review

**DATE:** February 14, 2012

**SUBJECT:** BZA Case 18320 – Special Exception Request pursuant to 11 DCMR 3104 under § 223 to construct a rear porch to an existing single-family detached dwelling at 4029 Gault Place, NE.

### **I. OFFICE OF PLANNING RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the following special exception relief pursuant to § 223:

- § 403.2, Lot Occupancy (40 percent permitted, 52 percent proposed);
- § 404.1, Rear Yard (20 feet required, 18 feet existing);
- § 405.9, Side Yard ( 8 feet (both sides) required, 0.5 feet existing and 1.5 feet proposed); and
- § 2001.3, Enlargement or Addition to a Nonconforming Structure.

### **II. LOCATION AND SITE DESCRIPTION**

Address	4029 Gault Place N.E.
Legal Description	Square 5077, Lot 0039
Ward	7
Lot Characteristics	Rectangular-shaped lot with alley access
Zoning	R-4 – row houses and flats; single-family detached dwellings also permitted with lot occupancy up to 40%.
Existing Development	Single-family dwelling, permitted in this zone
Adjacent Properties	Single-family dwellings, with some multi-family dwellings.

### **III. PROJECT DESCRIPTION IN BRIEF**

Applicants	Jose Silva
Proposal	Construction of a rear porch
Relief Sought	§ 223 - Additions to One-Family Dwellings or Flats



#### IV. ZONING REQUIREMENTS

<b>R-4 Zone</b>	<b>Regulation</b>	<b>Existing</b>	<b>Proposed</b>	<b>Relief</b>
Height § 400	40 ft. and 3 stories max.	< 40 ft. and 1 story	< 40 ft. and 1 story	None required
Lot Width § 401	40 ft. min.	30 ft.	30 ft.	Existing non-conformity
Lot Area § 401	4,000 sq.ft. min.	2,400 sq.ft.	2,400 sq.ft.	Existing non-conformity
Lot Occupancy § 403	40% max.	45.3%	52%	<b>Required</b>
Rear Yard § 404	20 ft. min.	10 ft., 2 in.	7 ft., 6 in.	<b>Required</b>
Side Yard § 405	Min. 8 ft. & 8 ft.	8.5 ft & 0.5 ft	7.5 ft, 0.5 ft 9.5 ft, 1.5 ft	Ex. Non-conformity Proposed with porch addition - <b>Required</b>

#### V. OP ANALYSIS

##### 223 ZONING RELIEF FOR ADDITIONS TO ONE-FAMILY DWELLINGS OR FLATS (R-1) AND FOR NEW OR ENLARGED ACCESSORY STRUCTURES

*223.1 An addition to a one-family dwelling or flat, in those Residence districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.*

Single-family detached dwellings are a permitted use in this zone. The Applicant is requesting special exception relief under § 223 from the requirements of §§ 403, 404, 405 and the existing nonconforming aspects of the lot per Section 2001.3.

*223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property, in particular:*

*(a) The light and air available to neighboring properties shall not be unduly affected;*

Light and air to neighboring properties would not be unduly affected. The rear porch would be would not be taller than the main level of the single-story dwelling. The porch would not adversely affect the property to the east, as the effective distance (which would be greater than 8 feet) between the proposed porch and the west elevation would allow for the flow of light and air between the two properties. The porch structure would have no adverse impact on the property to the west, due to loss of light or air as the required side-yard setback would be satisfied. The restrained size of the addition, in combination with existing setbacks on adjacent properties, should minimize any impact on neighboring dwellings.

*(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised;*

Privacy of use and enjoyment of neighboring properties would not be unduly compromised. The proposed porch would be visible to adjoining properties. However, porches and decks currently exist in neighboring rear yards, and there is currently no evidence to suggest that use of neighborhood porches or decks unduly compromise the privacy and enjoyment of each other's properties. Porches and rear decks are anticipated additions in the District's denser residential neighborhoods and privacy is not guaranteed within denser residential districts. Therefore, OP does not anticipate this proposed porch would affect the privacy and use of enjoyment of the abutting

neighbors' rear yards. The applicant has informed OP that letters of support from surrounding neighbors were submitted to the record.

- (c) *The addition or accessory structure, together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage; and*

The proposed porch would not substantially visually intrude upon the character, scale and pattern of houses. It would extend out from the main level of the dwelling, and be similar to decks and porches within the square. It would be minimally visible from the public alley to the south, as an existing storage shed within the rear yard would partially blocks the view of the proposed porch from the alley.

- (d) *In demonstrating compliance with paragraphs (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs, or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and views from public ways.*

The Applicant has provided photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

- 223.3 *The lot occupancy of all new and existing structures on the lot shall not exceed fifty percent (50%) in the R-1 and R-2 Districts or seventy percent (70%) in the R-3, R-4, and R-5 Districts.*

The proposed lot occupancy is 52 percent, less than the maximum 70 percent permitted within the R-4 district.

- 223.4 *The Board may require special treatment in the way of design, screening, exterior or interior lighting, building materials, or other features for the protection of adjacent and nearby properties.*

OP makes no recommendations for special treatments.

- 223.5 *This section may not be used to permit the introduction or expansion of a nonconforming use as a special exception.*

The subject application would not result in the introduction or expansion of a nonconforming use.

## VI. COMMUNITY COMMENTS/ANC

ANC 7D, at its regularly scheduled meeting of January 3<sup>rd</sup>, 2012, voted to support the application. The applicant indicated to OP that the adjacent neighbors are in support of the proposal.

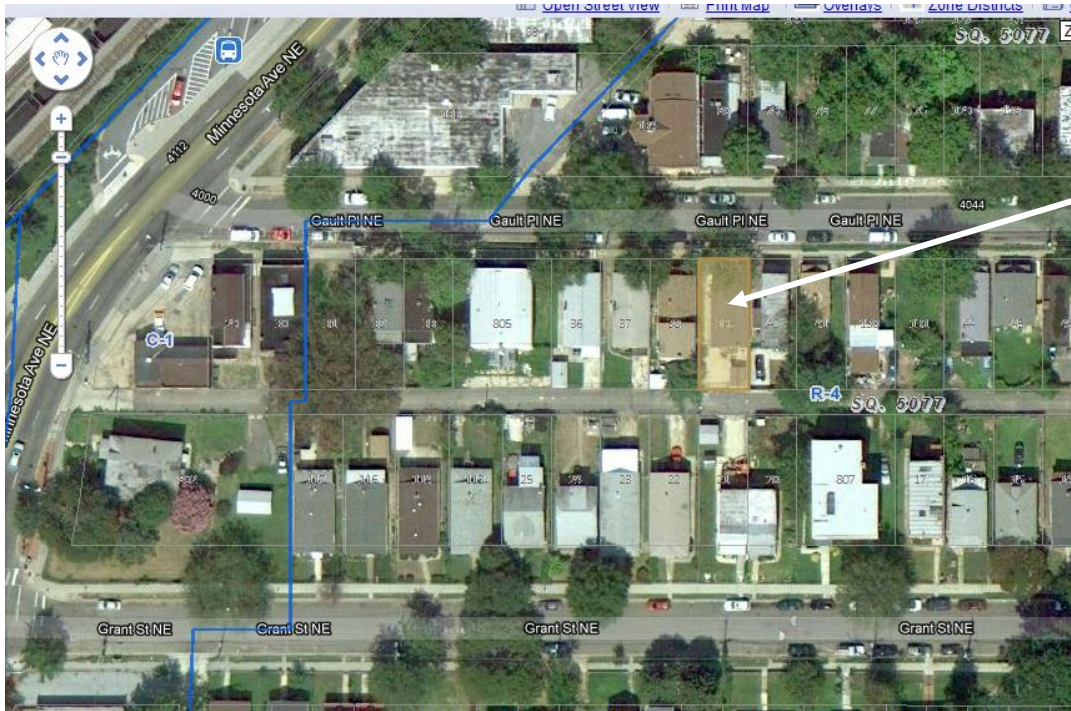
## VII. AGENCY COMMENTS

The District Department of Transportation (DDOT) informed OP that it had no comments.

## VIII. RECOMMENDATION

The Office of Planning **recommends approval** of the special exception relief to construct a rear porch to an existing single-family detached dwelling, not meeting the, lot area, lot width, lot occupancy, rear yard and side yard requirements of the R-4 District.

Attachment: Zoning and Vicinity Map/Aerial  
Attachment



Zoning and Vicinity Map



View of rear looking south